SNSF Haystack Mine Prewitt, New Mexico Today's Date AOC Effective Date 6/7/2017 5/15/2017





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	n Regulerie	nt? Description Responsible	Acro Consulta Pequiparies III	Due Date	Completion date	Note:
			apolicable			
00000000000 00 0000000		r, Project Coordinator, and On-Scene Coordinator	Term of the second			See The Control of th
28	Yes	Retain one or more contractors to perform the work and notify EPA	15 days after effective date	5/30/2017	5/30/2017	r If EPA denies contractor, Submit name of new contractor within 10 days
		Notify EPA of any additional contractor to perform work	10 days prior to work			If EPA denies contractor, Submit name of new contractor within 10 days
0	Yes	Inform USEPA if BNSF Project Coordinator changes	10 days prior to change			
Work to I	be Performed					
32.a	Yes	Prepare a Removal Work Plan, including a schedule (same as VIII.34)	Within 45 days of effective date	6/29/2017		
32.b	Yes	Complete and submit a cultural resources survey	Within 45 days of effective date	6/29/2017		
		Request information on biological resources. If species of concern are				
.32.c	Yes	identified, resolve issues prior to on-site work	Within 15 days of effective date	5/30/2017	5/30/2017	[If necessary, prepare Biological Evaluation per NNDFW RCS-44-08 within 30 days of receipt of biological resource informat
32.d	Yes	Participate in community involvement activities as directed by USEPA				
		Provide temporary housing to impacted residents during removal activities, and				
32.e	Yes	pay for costs				
32.f	Yes	Construct/improve access roads to all AUMs to conduct work				
32.g	Yes	Secure water supply for dust suppression during work				
32.h	Yes	Develop and implement an effluent dust monitoring program				
32.i	Yes	Develop and implement a site wide traffic plan				
		Excavate material to maximum depth in all 6 areas of concern. Restoration				
32.j	Yes	shall be implemented as appropriate				
		North east access road			***************************************	Includes visual identification and removal of surficial soil piles to one foot below ground surface
		North east drainage				Includes visual identification and removal of surficial ore-bearing waste rock to one foot below ground surface
		Residential area				Includes visual identification and removal of surficial ore-bearing waste rock to two feet below ground surface
		Western drainage 2/Road				Includes visual identification and removal of surficial ore-bearing waste rock to two feet below ground surface
		Western Drainage 1				Includes visual identification and removal of surficial ore-bearing waste rock to one foot below ground surface
						Includes a pre-removal site gamma-count survey, if TCRA is required, excavate to a maximum depth of two feet below ground
		East Stockpile				surface
32.k	Yes	Design and construct a temporary consolidated waste pile with an erosion plan			***********************	
32.1	Yes	Develop and implement a confirmation survey and sampling plan			~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	A randomized sampling approach (based on MARSSIM) will be used
00	V	Design and implement a restoration plan on all excavated or impacted areas, plan must take into account potential future response actions				
32.m	Yes					
32.n	Yes	Construct a fence and post signs around any consolidated pile				
32.0	Yes	Demobilize site			~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
.32.p	Yes	Provide a Removal Completion Report				
124 -	V	Submit a draft Removal Work Plan and schedule for work detailed in Section VIII.32a	Within 45 days of effective date	6/29/2017		If EPA requires revisions, submit revised draft within 10 days.
.34.a	Yes	Submit all deliverables in electronic form unless anything is larger than 8.5x11	Within 43 days of effective date	0/28/2017		Direct all submissions required by the Settlement to OSC Steve Calanog, alternate OSC Warren Zehner, and Dr. Donald Be
.35.a		(paper copies required)				Executive Director of NNEPA.
.35.b		Sampling/monitoring data should be submitted in EDD format				
		Spatial data shall be submitted in ESRI geodatabase format and as		-		
		unprotected geographic coordinates				
.36	Yes	Submit a HASP	Within 30 days of effective date	6/14/2017		If requested by EPA, HASP will include contingency planning
37.b	Yes	Submit a Sampling and Analysis Plan	Within 45 days of effective date	8/29/2017		Shall include a field sampling plan (FSP) and a quality assurance project plan (QAPP)
		If soil sampling occurs, EPA shall have access to laboratories utilized.	· · · · · · · · · · · · · · · · · · ·			
37.c		Analyses shall be run in accordance with EPA methods				
37.e		Provide split/duplicate soil samples to EPA if requested		MULTIPLE		Notify EPA no less than 7 days before sample collection
37.f		BNSF shall submit all sampling results/data to EPA				
			Within 15 days after monthly progress			
37.g		If BNSF objects to EPA collecting data, BNSF must submit written complaint	report with data			
		BNICE may be required to porticipate in EDA's				
		BNSF may be required to participate in EPA's community involvement plan. At EPA's discretion, BNSF may be required to establish a community				
.38		information repository near the site	•			
.39		Submit a proposal for Post-Removal Site Control				
		Upon EPA approval, conduct Post-Removal Site Control or obtain a written				
		commitment from another party to conduct activities	· ·			
		Provide all documentation to EPA of Post-Removal Site Control commitments				
			From when the work plan is approved			
40	L,	Submit weekly progress reports during field events and monthly at all other	until Notice of Completion of Work	ALL TIPLE		
40	Yes	times	issued	MULTIPLE		
41	Vec	Submit final report summarizing the actions taken to comply with AOC	Within 60 days after work completion			
+ 1	Yes	Prior to shipping hazardous substances, obtain EPA approval of receiving	What is od days after work confipletion	-		
.42.a		facility				
		Ship Waste Material (>10 cubic yards) to other states only if written notice				
42.b		obtained prior to shipment				
Property F	Requirements					
3.a	Yes	BNSF shall obtain access agreements from owner(s) of Section 19				
		BNSF shall obtain access agreements from DOI, Bureau of Indian Affairs for				
43.b	Yes	Section 13				

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6/7/2017 5/15/2017 Due <15 days Due <30 days



Acceptance	A Comment	Sescription		Discours.			Notes	
			conficulties					
IX.43.c	Yes	BNSF shall obtain access consent forms from allottees for Section 18						
***************************************		Notify allottees 20 days prior to any work	 20 days prior to field work	MULTIPLE				
IX.44		Notify EPA if BNSF is unable to obtain access through best efforts						
X. Access to	Information							
V 40		Supply EPA with copies of all records, reports, documents, etc. if requested						
X.46 XXI. Record		Supply EFA with copies of all records, reports, documents, etc. if requested						
000000000000000000000000000000000000000	Ketelition	Betain all Bassade for 10 years offer the Nation of Completion of Wark						
XI.50		Retain all Records for 10 years after the Notice of Completion of Work						
XI.51		BNSF must notify EPA before any destruction of Records	90 days prior to destruction					
200000000000000000000000000000000000000	nce with Other La		,					
XII.53		Identify ARARs in the Removal Work Plan		6/29/2017				
XII.54		Submit timely applications for permits/approvals if necessary						
XIII. Emerger	ncy Response an	d Notification of Releases						
\all ==		If an emergency occurs that threatens to cause a release of waste material,						
XIII.55		BNSF will take appropriate action If a release occurs, notify OSC and alternate OSC or Regional Duty Officer and						
		the National Response Center	Immediate notification					
XIII.56		Written report for release required	 Within 7 days after release					
	it of Response Co		Within F days and release					
200000000000000000000000000000000000000	ii oi kespoiise ot	Pay EPA \$100,000 in prepayment for Future Response Costs	Within 30 days of effective date	6/14/2017	6/5/2017			
XIV.57.a		Pay an additional \$60,000 if funds go below \$40,000 and EPA has not billed	 Within 30 days of effective date	0/14/2017	0/3/2017			
XIV.57.b		BNSF yet (or one year after effective date, whichever is earlier)	Within 30 days of EPA's notice	MULTIPLE				
XIV.57.c		Pay all EPA bills within 30 days of receipt	 Within 30 days of receipt of bill	MULTIPLE				
7.17.01.0		If payment not made on time, BNSF is responsible for interest on unpaid	 					
XIV.58		balance						
XIV.59		Submit Notice of Dispute of Future Response Costs	Within 30 days of receipt of bill					
		If EPA prevails in dispute, BNSF pays the sums due with interest	 Within 5 days of dispute resolution					
XXIV. Insura:	nce							
***************************************		BNSF shall secure and maintain, until the first anniversary of the Notice of						
XXIV.100	Yes	Completion of Work, insurance	15 days prior to any on-site work	MULTIPLE				
		Resubmit certificates on the anniversary of the effective date						
XXV. Financi	ial Assurance							
XXV.101	Yes	BNSF shall obtain financial assurance						
		BNSF/Guarantors shall provide EPA with initial submission of required	 			^~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	nannonannonannonannonannonannonannonan	
		financial assurance documents from chief financial officer and independent	With a CO day of Stration date					
XXV.103	Yes	certified public accountant	 Within 30 days of effective date Within 90 days after close of entity's	6/14/2017	3/31/2017			
	Yes	BNSF/Guarantors shall annually resubmit financial assurance documents	fiscal year					
***************************************	103	Notify EPA if relevant financial test criteria and requirements are no longer	 Within 30 days of noncompliance					
	Yes	satisfied	determination					
XXV.104		BSNF shall notify EPA if financial assurance is no longer adequate	Within 7 days					
			 Within 30 days of notifying EPA or					
		Secure and submit revised/alternative financial assurance	 receiving notice					
			Within 30 days of receipt of EPA's approval/agreement/decision					
		BNSF shall submit to EPA documentation of reduced, revised, or alternative	resolving a dispute related to					
XXV.106	Yes	financial assurance mechanism	modification					
XXVI. Modific			1	. [1			
		If BNSF wants to modify/deviate from approved work plan or schedule, BNSF						
		project coordinator shall submit a written or oral request to EPA for approval.						
XXVI.109	Yes	BNSF cannot proceed until receiving oral or written approval from OSC	 1					

Sections not included (they are based on IF BNSF decides to do these actions and are not required):

Dispute resolution

Dispute resolution Force Majeure (XVI.65) Stipulated penalties Law suits (XXII.95)

Notes:

Day is calendar day. If the last day falls on Saturday, Sunday, Federal or State holiday, period is until close of next working day.

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